



10 Civ. 2267  
JUDGE BUCHWALD

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
PETER W. LINDNER,  
Plaintiff,  
-against-  
AMERICAN EXPRESS COMPANY,  
Defendant.  
----- X

ORDER TO SHOW CAUSE FOR A  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING  
ORDER AGAINST DEFENDANT

This matter being opened to the Court by Plaintiff, *pro se*, and upon the affidavit of Peter W. Lindner sworn to the 15<sup>th</sup> day of March, 2010 and the duly Verified Complaint hereto annexed, from which it appears likely that immediate, substantial and irreparable injury will be suffered by the Plaintiff unless this Court intervenes, and good cause being shown for the making of this order:

It is on this 18<sup>th</sup> day of March 2010

ORDERED that Defendant American Express Company ("Amex") show cause  
before a motion term of this Court, at Room 21A, US District Court for the Southern  
District of New York at 500 Pearl Street, NY, NY on the 26<sup>th</sup> day of March 2010 at 10a.m.

~~It is in the interest of justice that~~ why an order should not be entered pursuant to Rule 65 of the Federal Rules of Civil Procedure granting declaratory, injunctive and interim relief against Defendant Amex until the conclusion of this matter as follows:

a. Enjoining and restraining Defendant American Express Company from implementing a proxy / ballot for Amex's 2010 Shareholders Meeting without including therein the Lindner Shareholder Proposal as set forth in the verified complaint;

b. Enjoining and restraining Defendant American Express Company from implementing a proxy / ballot for Amex's 2010 Shareholders Meeting without including therein Plaintiff's nomination for the position of Director of Amex;

c. Enjoining and directing Defendant American Express Company to join with Plaintiff in requesting Magistrate Katz to allow Plaintiff to communicate with the SEC, current and former employees of Amex on matters relating to Plaintiff's nomination for director of American Express Company and on the Lindner Shareholder Proposal as defined in the verified complaint and in requesting the release from seal without cost of various discovery items and court transcripts including, but not limited to, deposition transcripts, videos and e-mails in the litigation entitled *Lindner vs. American Express Company and Qing Lin*, 06 Civ. 3834 (JGK-THK); and

~~IT IS FURTHER ORDERED, that sufficient reason having been shown~~  
~~therefore, that until the return date of this order, defendant Amex be and the same is~~  
~~hereby temporarily restrained from mailing, distributing, filing and/or implementing a~~  
~~proxy/ballot for the 2010 Amex Shareholders Meeting unless Amex voluntarily~~  
~~incorporates therein Plaintiff's Shareholder Proposal and Plaintiff's name as a nominee~~  
~~for the position of Director of Amex; provided, however, that Defendant Amex shall have~~  
~~leave to move for a dissolution or modification of the restraints hereby imposed on~~  
~~\_\_\_\_\_ days' notice personally delivered to Plaintiff; and~~

~~IT IS FURTHER ORDERED that no security be posted by Plaintiff; and~~

~~IT IS FURTHER ORDERED that the within Order to Show Cause issuing upon~~  
~~the filing of the Verified Complaint, no summons shall issue in this action. Defendant~~  
~~shall personally serve upon Plaintiff, an answer to the annexed Verified Complaint~~  
~~within \_\_\_\_\_ days after the service of this Order to Show Cause and Verified~~  
~~Complaint upon Defendant, exclusive of the day of service, and~~

It is FURTHER ORDERED that the within Order to Show Cause together with  
the Verified Complaint and any supporting documents, shall be served upon Defendant **and**  
~~not later than \_\_\_\_\_ days before the return date hereof by personal service provided,~~  
~~however, the Defendant may be served through its counsel, Joseph N. Sacca of Skadden,~~  
**by personal service by 3/19/10 (5 p.m.)**  
Arps, Slate, Meagher & Flom, LLP; and

It is FURTHER ORDERED that the Defendant shall file any opposing affidavits,  
briefs or other papers in opposition to the order to show cause with the Court and Plaintiff  
~~on or before~~ **March 23 (noon)** 2010 and any reply by Plaintiff shall be filed with the Court  
~~on or before~~ **March 24 (5 p.m.)** 2010

DATED: **3/18/10**  
New York, New York

**RMB**

U.S.D.J.  
**(PART I)**

Issued: \_\_\_\_\_

~~Sealed in the amount of \$ \_\_\_\_\_~~  
~~per 24 \_\_\_\_\_~~